

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #6	CCRB Case #: 201902051	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/11/2018 12:27 PM	Location of Incident: 3rd Avenue and the Cross-Bronx Expressway	Precinct: 48	18 Mo. SOL 10/11/2019	EO SOL 10/11/2019	
Date/Time CV Reported Thu, 03/07/2019 4:20 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/07/2019 4:20 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Marc Barrera	02714	934459	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Marc Barrera	Abuse: Police Officer Marc Barrera threatened to seize § 87(2)(b) s property.	
B.POM Marc Barrera	Abuse: Police Officer Marc Barrera threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On March 7, 2019, § 87(2)(b) called 311 and was transferred to the Civilian Complaint Review Board and filed the following complaint.

On April 11, 2018, at 12:27 p.m. Police Officer Barerra issued § 87(2)(b) a summons for § 87(2)(b) on Third Avenue and the Cross-Bronx Expressway After receiving the summons, § 87(2)(b) parked his car and exited to take photographs of the area. § 87(2)(b) walked on the sidewalk towards the corner of the Cross-Bronx Expressway and Third Avenue. Police Officer Barerra allegedly told § 87(2)(b) that he had to move his car out of the way or they could tow his car (**Allegation A, Abuse of Authority** § 87(2)(g) Police Officer Barerra allegedly told § 87(2)(b) “If you don’t move the car, I’m going to take your car and call the tow truck” (**within Allegation A**). § 87(2)(b) asked for a break. Police Officer Barerra allegedly told him that if he did not move his vehicle he would arrest him (**Allegation B, Abuse of Authority** § 87(2)(g) § 87(4-b), § 87(2)(g) § 87(2)(b) was issued summons number § 87(2)(b) for § 87(2)(b) (BR 01).

No video footage was obtained for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Marc Barrera threatened to seize § 87(2)(b) s property.

Allegation (B) Abuse of Authority: Police Officer Marc Barrera threatened to arrest § 87(2)(b)

On April 11, 2018, at 12:27 p.m. PO Barerra stopped § 87(2)(b) and he pulled over to the right, before merging onto Crotona Park North. PO Barerra issued § 87(2)(b) a summons for § 87(2)(b). No vehicles had to go around his vehicle to drive on Crotona Park North and cars moved continuously after he left his vehicle. After receiving the summons, § 87(2)(b) left his parked car and exited to take photographs of the area. § 87(2)(b) walked on the sidewalk towards the corner of the Cross-Bronx Expressway and Third Avenue. PO Barerra told § 87(2)(b) that he had to move his car out of the way or they could tow his car. PO Barerra told § 87(2)(b) “If you don’t move the car, I’m going to take your car, and call the tow truck.” § 87(2)(b) asked for a break. PO Barerra allegedly told him that if he did not move his vehicle he would arrest him. There were no witnesses.

PO Barerra was on the service road, on the northwest corner of the Cross-Bronx Expressway, facing eastbound when he saw § 87(2)(b) turn left, cross over a double yellow line, pass cars that were waiting to turn left, drive in the wrong direction and almost collide head on with a car traveling north (BR 02). PO Barerra stopped § 87(2)(b) before he drove onto the highway. PO Barerra issued § 87(2)(b) a summons for failure to yield to a pedestrian/vehicle and then returned to his vehicle. As he was finishing his notes on the computer, § 87(2)(b) walked on the road past PO Barerra’s vehicle. PO Barerra exited his car and told § 87(2)(b) to return to and move his car at least two to three times. PO Barerra told § 87(2)(b) that he was not going to leave his car in the road. PO Barerra did not tell § 87(2)(b) that if he did not move his car, he was going to take his car and call a tow truck. He never threatened to seize § 87(2)(b) s car or threatened him with

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- [illegible]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate his complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of May 31, 2019, no notice of claim was found, as per the New York City Comptroller's Office.

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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